

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2005 JAN 28 P 12:44

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, a Massachusetts nonprofit
corporation,

Plaintiff,

v.

BEAT THE HOUSE, LLC, a California limited
liability company

Defendant.

CIVIL ACTION NO. 04 CV 11861 JLT

**ASSENTED-TO MOTION TO EXTEND TIME FOR DEFENDANT BEAT
THE HOUSE, LLC TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Plaintiff, Massachusetts Institute of Technology ("MIT"), by its undersigned counsel,
hereby moves this Court to extend the time within which Defendant Beat the House, LLC
("BTH") may answer, move, or otherwise respond to the Complaint in the above-referenced
action, for an additional fourteen (14) days, up to and including February 21, 2005. As grounds
for this Motion, MIT states that:

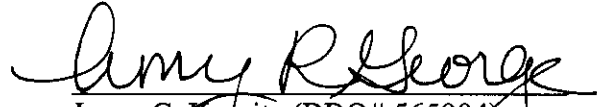
1. MIT and BTH (collectively, "the Parties") have been in settlement negotiations since the filing of the Complaint.
2. The Parties are close to executing a settlement agreement that will resolve this dispute.
3. The Parties believe that an additional fourteen (14) days will provide sufficient time in which to resolve this dispute.

4. Defendant BTH assents to this Motion.

WHEREFORE, Plaintiff, Massachusetts Institute of Technology respectfully requests that this Court extend the time within which Defendant, Beat the House, LLC may answer, move, or otherwise respond to the Complaint up to and including February 21, 2005; and grant such alternative relief as it deems just and appropriate.

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY

By its attorneys,

A handwritten signature in black ink, appearing to read "Amy R. George", is written over the typed name and the first line of the address.

Jason C. Kravitz (BBO# 565904)
Amy R. George (BBO# 629548)
Kristin D. Kuperstein (BBO# 641710)
NIXON PEABODY LLP
100 Summer Street
Boston, Massachusetts 02110
(617) 345-1000

Dated: January 28, 2005

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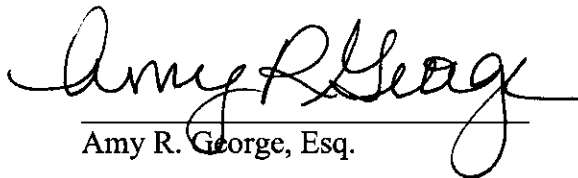
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CERTIFICATE OF SERVICE

I, Amy R. George, Esq., hereby certify that, on January 28, 2005, I caused to be served a true and correct copy of the Assented-To Motion To Extend Time For Defendant Beat The House, LLC To Answer Or Otherwise Respond To Complaint, by first class mail, on Jeffrey L. Clark, Wood, Phillips, Katz, Clark & Mortimer, 500 West Madison Street, Suite 3800, Chicago, IL 60661-2511.


Amy R. George, Esq.